

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF  
DEVONSHIRE TOWERS TRUST FOR THE AUTHORIZATION  
AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS  
GENERAL LAWS (TER.ED.) CHAPTER 121A AS AMENDED,  
AND CHAPTER 652 OF THE ACTS OF 1960, TO BE  
UNDERTAKEN AND CARRIED OUT BY A TRUST ORGANIZED  
PURSUANT TO MASSACHUSETTS GENERAL LAWS, AND  
APPROVAL TO ACT AS AN URBAN REDEVELOPMENT TRUST  
UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 p.m. on August 23, 1979, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at City Hall, Room 921, Boston Massachusetts 02201, by the Authority on an Application dated July 10, 1979, (hereinafter called the "Application"), filed by Harvey E. Rothenberg, Lawrence Ruben and Alvin Schragis, Trustees on behalf of Devonshire Towers, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on August 10, 1979, and August 17, 1979, in the Boston Herald American, a daily newspaper of general circulation published in Boston and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present at the hearing.



B. The Project. The Project Area consists of certain real property numbered 250 Washington Street, bounded by Washington and Devonshire Streets totalling 21,323 square feet of land. A full metes and bounds description can be found in the Application.

The Project will consist of the construction of a forty-one story apartment, and office complex on the Project Area. The building will be approximately 400 feet in height from the mean grade of Washington and Devonshire Streets and will contain approximately 478 residential apartments on thirty-two floors, approximately 92,000 square feet of office space on five floors, approximately 10,000 square feet of retail area on the ground level, and three levels of below grade parking (242 spaces) for building tenants.

Facilities and amenities provided will include roof decks for residents and office workers, a health club including pool, sauna and exercise rooms underground parking and individual apartment balconies for many of the apartments. In addition, a public pedestrian passageway connecting Washington and Devonshire Streets will be incorporated on the ground level.

The Project is intended to be used for residential, office, and retail purposes with related parking. The expected types of occupants of the Project include residents, office workers and retail merchants.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence

presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction in a blighted, open and decadent area of a residential, office, retail and parking facility.

The Project Area is presently an unsightly open area being used as an open air parking lot which is generating minimal tax revenues and providing no jobs or economic stimulus for the community. Since the Area is open, there is a large gap in the building line along Washington and Devonshire Streets exposing on two sides of the Project Area former party walls which are unfinished and show the remains of prior existing structures, chimneys and hallways. There also remains on the Project Area the brick rubble remains of a portion of the former party walls.

Test borings indicate that the subsoil conditions are substandard in that the area contains rubble, fill and the remains of prior concrete building foundations which must be excavated at considerable expense. Further, the borings also indicate substantial amounts of steel which was impenetrable by the boring bits and which the Applicants believe to be large printing machinery abandoned by the prior owners.



The existence of party walls, an adjacent MBTA tunnel and underground encroachments of adjacent foundations will also require unduly expensive construction methods.

The small size of the Project Area with its lack of storage area and its location will result in an extended construction period and expensive off hours deliveries, all resulting in unusual increased costs.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under G. L. Chapter 121A, Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons, it is found that the Project Area is a blighted, open and decadent area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes in each of the fifteen (15) calendar years after approval of the Project.



E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated minimum cost of the Project will be approximately \$33,000,000. The cost of the Project will be financed by the Applicants through construction mortgage financing (to be replaced by a permanent mortgage) in the amount of \$27,000,000 from institutional lenders which will be insured by the Federal Housing Administration. It is expected that such financing will be for a 40 year term at the current rates being charged for FHA insured mortgages per annum plus  $\frac{1}{2}\%$  mortgage insurance premium. approximately \$6,000,000 has been or will be contributed to equity capital by the Beneficiary's partners. No shares of stock of other securities of a corporation or other financial interest in a joint venture, partnership or limited partnership or trust are to be issued, created or transferred in payment for services. The Applicants, the Beneficiary and its partners and the Project mortgages are the only persons, natural or corporate, who, prior to the completion of the Project have or will have, directly or indirectly, any beneficial interest in the Project.

The only persons natural or corporate, who prior to completion of the project, have or will have, directly or indirectly any beneficial interest in the project are as follows:

Harvey E. Rothenberg, Trustee  
Lawrence Ruben, Trustee  
Alvin Schragis, Trustee  
Devonshire Towers Trust  
Federal Housing Administration  
Mortgage lenders approved by the Authority or persons  
who may acquire from or through such lenders.



Experience with similar financing and organization methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be built on the Project Site have been reviewed by the Design Review Staff of the Authority, and is subject to further design review should there be any future changes. The Authority finds that this Project will enhance the general appearance of the Area and will provide much needed residential and office space. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents as set forth in the Application.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 731 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable



and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that:

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area. Although significant shadows will fall on adjacent open spaces and plazas, the impacts of such shadows will not be particularly adverse.
2. The Project will not adversely affect any archaeological or historical site, structure, or feature.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors. No exceedance of air quality standards is anticipated as a result of this project.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will result overall in a slight increase in wind velocities in the vicinity of the project but is not expected to result in any exceedance of acceptable standards nor to cause significant adverse conditions or create wind problems.



13. The Project will not result in any significant increase in traffic generation nor cause any congestion or other circulation problems.
14. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
15. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. In addition, to mitigate construction impacts on pedestrian circulation, the applicant shall be required to maintain at all times during construction of the project a minimum of an 8-foot sidewalk along Washington Street (preferably in the form of a sidewalk shed) and at a minimum a 6-foot sidewalk along Devonshire Street.

I. Minimum Standards. The Minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Appendix 13 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Appendix 13, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A,



Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the grant of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project will not require a declaration that any portion of the Project constitutes a separate building for the purpose of G.L. c.138.

J. Zoning Code Deviations. Appendix 10 to the Application lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.



K. Duration of Period of Tax Exemption. The Applicants do not request any extensions to the base term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A.

L. Decision. For all the reasons set forth in the foregoing report, and decision, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.



EXHIBIT A  
CODE DEVIATIONS  
DEVONSHIRE TOWERS

The following deviations are requested from the Boston Zoning Code.

<u>Code Section</u>	<u>Required</u>	<u>Provided</u>	<u>Starting from Northwest Corner of Site</u>			
Floor Area Ratio 15-1	10 (max)	29.5	Setback	From	Height To	Distance Location
Usable Open Space 17-1	24,000 (min)	10,652 Square ft.	0'	0'	85'	App. 68' N to S from N. side lot line toward S side lot line
Parapet Setback Article 21	Washington St. Approximately 72.4' (Min) (0' below 25')		36'	85'	Full Ht. of Bldg.	App. 68' N to S from N side lot line toward S side lot line
			0'	0'	Full Ht. of Bldg.	App. 44' N to S from a point approx. 68' S of NW corner of site at Washington Street
			0'	0'	85'	Remainder of lot NW corner of site to SW corner of site
			0'-18' (9' average)	85'	Full Ht. of Bldg.	Remainder of lot line cited above E to W from a point app. 112' S of NW corner of site to SW corner of site



Code SectionParapet Setback  
Article 21RequiredSouth Side Lot Line  
58,5' (Min.)  
(0' below 120')Provided

Starting from Southwest Corner of Site

Setback	Height		Distance	Location
	From	To		
0'	0'	90'	App. 18'	W to E from SW corner of lot along South lot line
0'	0'	Full Ht. of Bldg.	App. 75'	W to E starting from app. 18' from SW corner of lot
0'	0'	90'	Remainder of lot	W to E starting from app. 93' SE of SW corner of site
64'.0"	90'	Full Ht. of Bldg.	"	"

## Parapet Setback

Devonshire Street  
App. 73.6' (Min)  
(0' below 25')

Starting from Southeast Corner of Site

Setback	Height		Distance	Location
	From	To		
0'	0'	95'	App. 65'	S to N from south side lot line toward north side lot line
36'	95'	Full Ht. of Bldg.	App. 65'	S to N from south side lot line toward north side lot line
0'	0'	Full Ht. of Bldg.	Remainder of lot	S to N from a point app. 65' N of south lot line to north side lot line



3877

## MEMORANDUM

NOVEMBER 1, 1979

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A APPLICATION  
OF DEVONSHIRE TOWERS TRUST

On August 23, 1979, the Authority conducted a public hearing with respect to the above-captioned Application.

The Project consists of the construction of a forty-one story apartment, and office complex at 250 Washington Street; 478 residential apartments, 92,000 square feet of office space, approximately 10,000 square feet of retail space and 242 parking spaces below grade for building tenants.

The Staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision On The Application of Devonshire Towers Trust, for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter. Ed.) Chapter 121A, As Amended, and Chapter 652 of 1960, to be Undertaken and Carried Out by a Trust Organized Pursuant to Massachusetts General Laws and Approval to Act as an Urban Redevelopment Trust Under said Chapter 121A" be and hereby is approved and adopted.